## REMARKS

Claims 1, 6-10, and 12-15 are amended. Claim 4 is cancelled, and new claims 18-21 have been added. Claims 1-3, 4-21 are therefore pending in this application.

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Barradas (U.S. Patent No. 5,445,061) in view of Pollock (U.S. Patent No. 2,251,600). In support of this rejection, the Examiner argued that it would be obvious to combine the teachings of Barradas with those of Pollock, "since both are directed to bread baking methods, since Barradas already includes a frame, and since the sidewalls and handle of Pollock would have permitted the entire frame to be inserted through the top door of Barradas as a single unit, rather than as separate pieces which can be difficult to stack in a heated environment, such as the baking chamber of Barradas." Similarly, the Examiner stated that Barradas teaches a bread making machine with a rack device (Figure 5) and Pollock teaches a rack with a unitary frame to be used in baking devices, citing col. 1, lines 5-10 of Pollock.

Applicant respectfully traverses these arguments. Pollock is not directed to bread baking methods and does not teach the use of a baking rack for baking devices generally, as suggested by the Examiner. Pollock, rather, is directed to a baking appliance specifically designed for use in a deep well of an electric range. Pollock makes no mention of the possibility or advisability of using the rack in a bread making machine or any other device other than a deep well of an electric range. It is unlikely that one of ordinary skill in the art of designing or manufacturing of automatic bread making machines, which is a new technology, would have an understanding of deep well cooking, or think to look to this technology for relevant teachings. Furthermore, Barradas teaches a rack arrangement that is easily accessible by opening pivotal doors 43 and 45. There is therefore no need or motivation to seek to incorporate the teachings of Pollock, and no advantage would be achieved by such a combination. Also, combining the references would negate the teachings of Barradas, in that the spaced, superimposed racks 48, 54, 56 would need to be eliminated to make room for the skeleton structure of Pollock, and the need for the pivotal doors would be eliminated. "If the proposed modification or combination of the

prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" (MPEP 2143.01), *In re Ratti,* 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Even if one attempted to use the racks of Barradas with the skeleton structure of Pollock, the combination fails. Barradas teaches, with reference to Figure 5, a number of superimposed racks 48, 54, 56, whereby different food products can be cooked on various levels (col. 3, lines 15-19). Referring to Figures 4 and 5, the racks 48, 54, and 56 are shown as each having four legs configured to provide a standoff from a surface underneath, such as another rack or a counter top, etc. The legs of the racks 48, 54, and 56 would make those racks incompatible with the coupling methods of Pollock's frame, since the racks would be required to slide into supporting channels (Pollock, pp.2, col. 1, lines 47-49). Elimination of the legs of Barradas' racks to accommodate Pollock's channels would defeat the advantages of the legs.

Finally, with reference to the Examiner's argument that the sidewalls and handle of Pollock would be an improvement to the separate pieces of Barradas "which can be difficult to stack in a heated environment, such as the baking chamber of Barradas," Barradas has already addressed this concern, stating that "the chamber is provided with a pivotal front door 43 as well as a pivotal top door 45. Consequently, the oven chamber can be completely opened in order to easily place food products in the oven, and to remove the same *without difficulty*" (col. 2, line 68 - col. 3, line 5). Referring to Figure 4, it may be clearly seen that baking racks can be easily placed into the oven chamber, and removed therefrom, with little difficulty, and further, that individual racks can be added or removed from the oven chamber without disturbing racks below, a feature that Pollock does not offer.

In fact, the goal and benefits of Barradas teach away from the combination of the references. More particularly, Barradas provides and teaches the benefits of the freedom to remove individual racks without disturbing those beneath, such that food can be arranged in order of cooking time, allowing the items that require shorter cooking time to be removed early or placed into the chamber later than the remaining items. This benefit and purpose of Barradas

would be lost by combining the skeleton structure of Pollock with the racks and oven chamber of Barradas, and would result in a more complex and difficult arrangement, given that removal of even the top rack would first require the removal of the frame containing all the racks, then removal of the top rack from the frame, then returning the frame with the remaining racks to the oven chamber. Thus, not only is there is no teaching to combine Barradas with Pollock, there are significant problems and disadvantages to such a combination. Claim 17 is therefore allowable over the cited references.

The Examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Barradas in view of Pollock, and further in view of Hsu (U.S. Patent No. 5,665,258). Applicant respectfully submits that the rejection of claims 1-16 is inappropriate for the reasons discussed above as to the combination of Barradas with Pollock. Applicant therefore believes that claims 1-16 are allowable.

However, in rejecting claim 1, the Examiner has further cited Hsu as teaching a method of baking by coupling a base member to a coupling device, and stating "it would have been obvious to one of ordinary skill in the art to incorporate the connection of Hsu into the invention of Barradas, in view of Pollock, since all are directed to baking devices, since Barradas already included a coupling device, and since the connection of Hsu would have provided a more stable, central attachment point for the unitary frame of Pollock, and thus prevented the frame of Pollock from moving around within the baking chamber of Barradas."

Such a combination is inappropriate for several reasons. First, Hsu is directed to a device that cooks primarily using radiant heat (col. 2, lines 60-61), employing a vertically directed electric element positioned within the shell of a reflector and very close to the food (Fig. 1 and col. 2, lines 50, 60, 61, and col. 3, line 16). Hsu therefore teaches a rotating connection between a rack and a vertical electric heating oven to ensure food is exposed to the heat uniformly and bakes evenly. See col. 3, lines 20-25. In contrast, Barradas is directed to a device that functions primarily by convective heating (col. 1, lines 27-31) and employs a heating element positioned behind a grille and configured to heat air that is then circulated through an

oven chamber by a fan (Fig. 3 and col. 1, lines 37 and 38, and col. 2, lines 44-56). There is therefore no need for a rotary connection, and combining the rotary connection with Barradas does not result in the present invention.

Even if the combination of Hsu and Barradas were reasonable, in spite of the fact that they are directed to radically different technologies, there is, yet, no motivation to combine the specific coupling of Hsu, cited by the Examiner, with the device of Barradas. The Examiner has stated that such a combination would be obvious, "since the connection of Hsu would have provided a more stable, central attachment point for the unitary frame of Pollock, and thus prevented the frame of Pollock from moving around within the baking chamber of Barradas." However, the reference numbers cited by the Examiner as teaching such a coupling refer specifically to an elongated axle of a driver and a dish of a rack assembly, coupled for the purpose of rotating the rack assembly (col. 2, lines 60-65). As has been previously explained, such a rotation assembly is required when cooking with radiant heat, but is unnecessary in a convection oven. Nevertheless, the Examiner has suggested that it would be obvious to take the teaching of Hsu and couple the rack of Pollock to the blade shaft of Barradas.

Not only is such a combination not obvious, one having ordinary skill in the art would recognize a significant hazard from such a combination; if a baking rack or tray were coupled to the drive shaft 28 of Barradas, and a bread dough mixing cycle were inadvertently selected at the control panel of the device, the dough blade motor of the device would engage and attempt to rotate the baking rack. It is known that, in order to properly knead bread dough, the drive shaft of such a device is provided with significant torque. If a baking tray or rack such as those taught by Barradas were coupled to such a drive shaft, the accidental engagement of the dough blade motor could have disastrous consequences, ranging from simply upsetting food containers in the oven, to destroying the device, or even causing a fire. Thus, there is certainly no motivation to utilize the coupling of Hsu in combination with Barradas, or with Barradas in view of Pollock. Accordingly, the art cited by the Examiner fails to teach a frame configured to

engage a coupling device in a baking chamber of an automatic bread making machine. Thus, claim 1, together with dependent claims 2-5 are allowable over the cited prior art.

Claim 1 has been amended to eliminate unnecessarily narrowing limitations, inasmuch as none of the art cited in any of the previous office actions teaches such a configuration in combination with the remaining limitations of claim 1. In particular, the Kelsey reference shares many of the disadvantages of Pollock. More particularly, Kelsey teaches a rack for a deep fryer, which is in a technology far removed from automatic bread baking machines; incorporation of the skeleton frame of Kelsey with the racks of Barradas would require the elimination of the legs of Barradas' racks, thus defeating the advantages afforded by the legs; and the advantages provided by Barradas' stacking racks in combination with the pivotal front door would also be lost in such an arrangement.

Although claim 6 differs in language and scope from claim 17, claim 6 is allowable for at least the reasons cited in support of allowability of claim 17. Dependent claims 7-10 are also therefore allowable.

With respect to the rejection of claims 11-16, as has been previously argued, there is no reasonable teaching to combine Barradas with Pollock, and accordingly, claims 11-16 are allowable as written.

New claims 18-21 are allowable for many of the reasons presented in support of claim 1-17. In particular, there is no teaching or suggestion in the art of record to provide a frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member, the frame configured to be positioned within in a baking chamber of an automatic bread making machine, and further configured to receive a plurality of trays coupled thereto in vertically spaced relation to each other, such that the frame and trays can be selectively placed into and removed from the baking chamber as a unit. Claim 18 is thus allowable over the cited prior art. Dependent claims 19-21 are also allowable.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. In the event the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact applicants' undersigned representative at (206) 622-4900 in order to expeditiously resolve prosecution of this application.

Respectfully submitted,

Barbara Westfield

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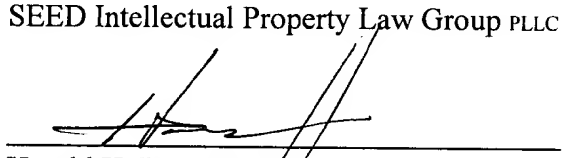

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